

JULIE FRITCHER,
Appellant

v.

SACRAMENTO AREA DIRECTOR,
BUREAU OF INDIAN APPEALS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 93-122-A
:
:
: September 7, 1993

On September 2, 1993, the Board of Indian Appeals (Board) received a letter from appellant Julie Fritcher, requesting an extension of time to file an appeal. Although appellant did not indicate what Bureau of Indian Affairs decision she was seeking to appeal, the Board learned through a conversation with her that she was seeking to appeal the Sacramento Area Director's July 22, 1993, decision concerning a tribal election for the Lone Pine Paiute-Shoshone Tribe.

The Board lacks authority to grant an extension of time for filing a notice of appeal. 43 CFR 4.332(a) requires that "[a] notice of appeal shall be filed * * * within 30 days after receipt by the appellant of the decision from which the appeal is taken. * * * A notice of appeal not timely filed shall be dismissed for lack of jurisdiction." Section 4.334 provides that extensions of time "may be granted upon a showing of good cause, except for the time fixed for filing a notice of appeal which, as specified in § 4.332 of this part, may not be extended." (Emphasis added.) The time restriction on the filing of a notice of appeal and the consequences of failure to file a timely notice of appeal were set forth in the Area Director's decision.

Appellant's request for an extension of time to file an appeal is denied.

Furthermore, even if the Board were to treat appellant's letter as a notice of appeal, the letter was untimely. The Board requested a copy of the return receipt card for appellant's copy of the July 22 decision. The card shows receipt by appellant on July 28, 1993. Thirty days from July 28 is August 27, 1993. Appellant's letter was dated and postmarked August 30, 1993. Therefore, her letter cannot be treated as a timely notice of appeal.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Sacramento Area Director's July 22, 1993, decision is docketed and dismissed for lack of jurisdiction.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge